

## **REMARKS**

The applicant has now had an opportunity to carefully consider the comments set forth in the Office Action mailed May 25, 2005. Reexamination and reconsideration of the application are respectfully requested.

### **THE OFFICE ACTION**

In the Office Action mailed May 25, 2005:

the Declaration filed on March 8, 2005 under 35 C.F.R. 1.131 was determined to be ineffective to overcome U.S. Patent No. 6,259,907 to Bellamy, Jr., et al. ("Bellamy"); and

claims 1-12 and 15-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy in view of U.S. Patent No. 6,549,918 B1 to Probert, Jr., et al. ("Probert").

### **The Supplemental Declaration is Effective**

The Declaration filed on March 8, 2005 under 37 C.F.R. 1.131 was determined to be ineffective for failing to provide a timeline with details of the facts where the invention had been prepared at least prior to November 30, 1999, with due diligence to the filing date of the present application, January 17, 2000. The Office Action asserts that Exhibits B-D are not enough evidence of due diligence since the Exhibits do not provide continuing facts of practicing the invention. Additionally, the Office Action asserts that Applicant must show how the evidence supports the diligence from prior the effective date of the reference, November 30, 1999 to the filing date of the application.

However, the Applicant is submitting herewith new Supplemental Declaration under 37 C.F. R. 1.131, a copy of Exhibit A and Exhibits B', C' and D'. The Applicant hereby certifies that Exhibits B'-D' are redacted copies of the same documents represented by Exhibits B-D which accompanied the earlier Declaration. However, Exhibits B'- D' include fewer redactions than Exhibits B-D.

Exhibit A is a Patent Review-Request for Legal Opinion document describing aspects of embodiments of the present invention. Exhibit A indicates that "a preliminary version is going to be released by the end of September 1999 to the Asia Pacific CTS organizations for initial evaluation." It is respectfully submitted that the preliminary version referred to in Exhibit A represents an actual reduction to practice of the invention prior to November 30, 1999, the filing date of U.S. Patent No. 6,259,907 to

Bellamy, Jr., et al.

Exhibit B' is a Lucent form documenting a decision to assign invention disclosure submission (IDS) 120950 to the invention proposal of Exhibit A. The status date entry indicates that the decision was recorded on November 12, 1999, a date prior to the November 30, 1999 filing date of the reference, U.S. Patent No. 6,259,907 B1 to Bellamy.

Exhibit C' is a cover letter delivered via priority mail and authorizing preparation of a patent application based on accompanying IDS 120950 by Lucent outside patent counsel, Gregory P. Gadson, Esq. Exhibit C' is dated November 23, 1999, a date prior to the filing date of U.S. Patent No. 6,259,907 B1 to Bellamy.

Exhibit D' is a fax cover sheet from Gregory Gadson to Lucent's outside counsel group requesting assignment of a case name/number to a new patent application based on IDS 120950. The fax cover sheet, Exhibit D', indicates that Loredana Abramo is the sole inventor. It is Lucent's practice to generate case name/numbers based on the named inventors. Therefore, it is practice of Lucent's outside patent counsel to request case name/numbers after at least the claims of an application have been drafted and inventors can be identified. Exhibit D' is dated December 21, 1999. An accompanying transmission verification report confirms that the fax cover sheet was transmitted on December 21.

The present application was filed 27 days later. It is respectfully submitted the Exhibits B'-D' provide a timeline that demonstrates that the invention of a method and apparatus for importing digital switching system data into a spreadsheet program was conceived at least prior to November 30, 1999 coupled with due diligence from at least prior to November 30, 1999 to the filing date of the application.

It is respectfully submitted that the Supplemental Declaration and Exhibit A demonstrate invention and reduction to practice of a method and apparatus for importing digital switching data into a spreadsheet program in the United States at a date at least prior to November 30, 1999, the filing date of Bellamy.

Alternatively, it is respectfully submitted that the Supplemental Declaration and Exhibits A and B'-D' demonstrate the invention of a method and apparatus for importing digital switching system data into a spreadsheet program was conceived in the United States at a date at least prior to November 30, 1999, coupled with due diligence from at least prior to November 30, 1999 to the filing date of the present application.

For at least the foregoing reasons, it is respectfully submitted that the Supplemental Declaration under 37 C.F.R. 1.131 filed herewith is effective in overcoming the Bellamy reference (U.S. Patent No. 6,259,907 B1).

**The Claims are not Obvious**

**Claims 1-12** and **15-22** were rejected under 35 U.S.C. 103(a) as being unpatentable over Bellamy in view of Probert. However, as explained above, Bellamy should be removed as a reference. Therefore, it is respectfully submitted that **claims 1-12** and **15-22** are not obvious in light of Bellamy and Probert and withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

**Telephone Interview**

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

### CONCLUSION

For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (**Claims 1-12 and 15-22**) are now in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

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MINNICH & McKEE, LLP

November 15, 2005  
Date

  
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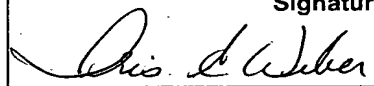
#### Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>Date</b> <u>November 15, 2005</u>

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<b>Signature</b> 
<b>Printed Name</b> <b>Iris E Weber</b>